UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CN.4/L.546
15 July 1997

Original: ENGLISH

INTERNATIONAL LAW COMMISSION
Forty-ninth session
Geneva, 12 May - 18 July 1997

DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-NINTH SESSION

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CHAPTER II

Summary of the work of the Commission at its forty-ninth session

GE.97-62982 (E)

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13. The Commission adopted on first reading a set of 27 draft articles and a draft preamble, with commentaries, on nationality of natural persons in relation to the succession of States (Chapter IV below), and decided to transmit the draft articles and preamble to Governments for comments and observations.

14. Regarding the topic of Reservations to treaties, the Commission considered the second report of the Special Rapporteur and adopted preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties (Chapter V below).

15. With respect to the topic of State responsibility, the Commission decided to proceed to the second reading of the topic with a view to completing work by the end of the quinquennium (Chapter VI). It also decided on certain procedural and methodological issues. The Commission appointed Mr. J. Crawford Special Rapporteur for the topic, who will submit a report for consideration by the Commission.

16. Concerning the topic of International liability for injurious consequences arising out of acts not prohibited by international law, the Commission decided to proceed first with the work under the sub-title "prevention of transboundary damage from hazardous activities" (Chapter VII below). The Commission appointed Mr. P.S. Rao Special Rapporteur for that part of the topic, who will submit a report thereon.

17. Pursuant to paragraph 13 of General Assembly resolution 51/160, the Commission further examined the scope and content of the topic of diplomatic protection in the light of the comments and observations made by Governments. It decided that the topic was appropriate for consideration and set out a new and more detailed outline on the scope and content of the topic (Chapter VIII). The Commission appointed Mr. M. Bennouna Special Rapporteur for the topic, who will submit a preliminary report at its fiftieth session on the basis of that outline. It is also the Commission's intention to complete the first reading of the topic by the end of the present quinquennium.

18. Pursuant to paragraph 13 of General Assembly resolution 51/160, the Commission further examined the topic of unilateral acts of States. It considered advisable and feasible to initiate work on the codification and progressive development of the applicable legal rules of this topic (Chapter IX, Section I). A new and more detailed outline was prepared. Certain issues pertaining to the scope and content of the subject were clarified. The main objective of the study should, in its view, be to identify the constituent elements and effects of unilateral legal acts of States and to set forth rules which are generally applicable to them, as well as any special rules that might be relevant to particular types or categories of such acts. A plan of work for the quinquennium was also prepared. The Commission appointed Mr. V. Rodriguez Cedeño Special Rapporteur for the topic and, according to the plan, an initial report is to be submitted to the Commission for discussion in 1998.

19. The Commission set up a Planning Group to consider its programme, procedures and working methods. The Commission considered it desirable to complete, as the case may be, the first and the second reading of these topics now before it within the present quinquennium. On the basis of the recommendations made in this regard by the Working Groups on the respective topics, the Commission adopted work programmes to guide its consideration on the relevant subjects (see the respective Chapters below). The Commission recognized the importance of its long-term programme of work and agreed to a general plan in this regard (Chapter X, Section C).

20. Ways to improve the Commission's methods of work were considered. Suggestions were made with respect to: making the debates held at the various stages more efficient; the idea of not fixing a sequence of Chairmanship by geographical region; the election of, or agreement on, the Bureau members at a previous session (see Chapter X, Section A).

21. During the present session, the Commission maintained and initiated relationships with the International Court of Justice, the Asian-African Legal Consultative Committee, the Inter-American Juridical Committee, the Committees of Legal Advisors on Public International Law, and the European Committee on Legal Cooperation (see Chapter X, Section D).

22. A collection of essays by members of the Commission entitled "International Law on the Eve of the Twenty-first Century: views from the International Law Commission" was published as a contribution to the United Nations Decade of International Law (Chapter X, Section G).

23. A training seminar with 22 participants of all different nationalities was held during the Commission (Chapter X, Section H).

24. The Commission agreed that its next session be held at the United Nations Office at Geneva from 20 April to 12 June 1998, and at Headquarters at New York from 27 July to 14 August 1998 (Chapter X, Section A). The Commission will hold a seminar on 21-22 April 1998 to celebrate its fiftieth anniversary.